

Application No. 10/686,546
Amendment dated July 24, 2006
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 3654

PATENT

REMARKS/ARGUMENTS

Claims 1-5 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,277,350 ("Thornbury"). Claims 6 and 7 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Thornbury in view of U.S. Patent No. 5,868,348 ("Bulman"). Claims 9-12 and 14 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Tiano in view of Thornbury. Claims 13 and 15 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Tiano in view of Thornbury, and further in view of Bulman. Claim 16 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Tiano in view of Thornbury, and further in view of admitted prior art. Claim 21 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Thornbury, in view of Bulman and U.S. Patent No. 6,021,974 ("Koskelainen").

Claims 1, 9, 10, 13, 14 and 21 have been amended. Claim 12 has been canceled. No claims have been added. Claims 1-7, 9-11, 13-16 and 21 are, therefore, pending. Applicant respectfully requests reconsideration of the application in view of the amendments and remarks made herein.

Amendments

Claim 1 has been amended to recite "a proximal portion having a shaft and a first flange, wherein the shaft is fixedly coupled with the first flange[.]" Support for this amendment can be found at Figure 3 and throughout the specification.

Claim 9 has been amended to recite "attaching an end of the filament to a tool having a column fixedly coupled with a distal flange and mechanically and detachably engaged with a proximal flange[.]" "rotating a shaft fixedly coupled with the proximal flange" and "separating the proximal flange from the column[.]" Support for these amendments can be found at Figure 3 and throughout the specification.

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Claim 10 has been amended to reflect changes necessary due to the amendments to claim 9. Support for these amendments can be found at Figure 3B and throughout the specification.

Claim 13 has been amended to correct an antecedent basis issue and to change dependence from canceled claim 12 to independent claim 9.

Claim 14 has been amended to change dependence from canceled claim 12 to independent claim 9.

Claim 21 has been amended in a similar respect to that of claim 1. Support for this amendment can be found at Figure 3 and throughout the specification.

Claim 1

Claim 1 stands rejected under 35 U.S.C. § 102(b) as anticipated by Thornbury.

Prior to the current amendment, claim 1 recited a tool having “a proximal portion having a first flange connected with a shaft extending from the flange[.]” Claim 1 has now been amended to recite a tool having “a proximal portion having a shaft and a first flange, wherein the shaft is fixedly coupled with the first flange[.]”

The amendment makes clear that the proximal portion of the tool of claim 1 includes a shaft and a flange which are fixedly coupled with each other, and not merely a flange connected with a shaft on some other portion of the tool. While the Office Action cited Thornbury as disclosing “a proximal portion having a first flange connected with a shaft[.]” Applicant respectfully submits that Thornbury does not disclose “a proximal portion having a shaft and a first flange, wherein the shaft is fixedly coupled with the first flange[.]”

If it is assumed that the “proximal portion” now recited by claim 1 is the component shown in Figure 2 of Thornbury having a spool 12 and a disk 16, then this “proximal portion” at least fails to have a shaft as now recited by claim 1.

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If it is alternatively assumed that the “proximal portion” now recited by claim 1 is the component shown in Figure 3 of Thornbury having a shaft drive 48 and a bushing 62, then this “proximal portion” at least fails to have a first flange as now recited by claim 1.

Finally, if it is alternatively assumed that the “proximal portion” now recited by claim 1 is the combination of components from the two previous alternatives, then the “proximal portion” at least fails to have a shaft fixedly coupled with a flange as now recited by claim 1.

Because Thornbury does not disclose the “proximal portion” recited by claim 1, Thornbury does not recite all of the limitations of claim 1. Therefore, claim 1 is believed to be allowable, and withdrawal of the § 102(b) rejection is respectfully requested.

Claims 2-7

Claims 2-7 all depend from claim 1 and are, therefore, believed to be allowable at least by virtue of their dependence from an allowable base claim.

Claim 9

Claim 9 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Tiano in view of Thornbury.

Claim 9 has been amended to recite various additional limitations, including “attaching an end of the filament to a tool having a column fixedly coupled with a distal flange and mechanically and detachably engaged with a proximal flange[,]” “rotating a shaft fixedly coupled with the proximal flange” and “separating the proximal flange from the column[.]”

Applicant respectfully submits that neither Tiano nor Thornbury disclose these limitations. Because Tiano and Thornbury do not disclose all of the limitations recited by claim 9, claim 9 is believed to be allowable, and withdrawal of the § 103(a) rejection is respectfully requested.

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Claims 10, 11 and 13-16

Claims 10, 11 and 13-16 all depend either directly or indirectly from claim 9 and are, therefore, believed to be allowable at least by virtue of their dependence from an allowable base claim.

Claim 21

Claim 21 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Thornbury, in view of Bulman and Koskelainen.

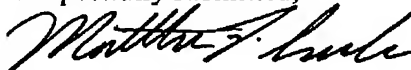
Claim 21 has been amended in a similar respect to claim 1. Because neither Thornbury, Bulman, or Koskelainen disclose all of the limitations of claim 21, claim 21 is believed to be allowable for at least this reason. Withdrawal of the § 103(a) rejection is, therefore, respectfully requested.

Conclusion

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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